

MAZIE SLATER KATZ & FREEMAN, LLC

103 Eisenhower Parkway, Suite 207, Roseland, NJ 07068

Phone: (973) 228-9898 - Fax: (973) 228-0303

www.mazieslater.com

David A. Mazie*
Adam M. Slater*^o
Eric D. Katz*^o
David M. Freeman
Beth G. Baldinger
Matthew R. Mendelsohn*^o
David M. Estes
Adam M. Epstein^o

Karen G. Kelsen^o
Cory J. Rothbort*^o
Michael R. Griffith^o
Christopher J. Geddis
Samuel G. Wildman
Julia S. Slater^o
Trevor D. Dickson

^oMember of N.J. & N.Y. Bars

*Certified by the Supreme Court of
New Jersey as a Civil Trial Attorney

September 16, 2024

VIA ECF

Honorable Renée Marie Bumb
United States District Court
Mitchell H. Cohen Building and
U.S. Courthouse
Courtroom 3D
4th and Cooper Streets
Camden, New Jersey 08101

Re: *In re Valsartan, Losartan, and Irbesartan Products Liability
Litigation*, MDL No. 19-2875 (RMB)

Dear Chief Judge Bumb,

We write on behalf of all parties in the upcoming TPP Subclass Trial. At last week's hearings, Your Honor requested simultaneous supplemental briefing on three issues: (1) the specific warranty plaintiffs are asserting was breached, (2) caselaw addressing the validity of plaintiffs' worthlessness theory in the context of a recalled prescription drug, and (3) the admissibility of evidence related to what TPPs would have spent on alternative medications. The Court stated that the first two topics should be addressed in a five-page brief but did not discuss the length of the

Honorable Renée Marie Bumb
United States District Court
September 16, 2024
Page 2

submission regarding the third issue. Because the three issues are related, the Parties propose that each side file a single brief addressing them and that each side be allowed 15 pages total for its brief.

The Parties seek the Court's guidance with respect to the deadline for the briefing. Plaintiffs informed Defendants on Friday afternoon (9/13) that they are prepared to file by close of business today, Monday 9/16. In light of the *Daubert* hearings last week, and the multiple hearings before the Court and the Special Master that are scheduled for this week, Defendants propose that the briefs be filed Friday, 9/20. Plaintiffs advised Defendants last night that they will agree to filing the briefs by the close of business on Tuesday, 9/17/24. The Parties ask the Court to advise on the deadline.

Respectfully,



ADAM M. SLATER

Cc: All counsel of record (via ECF)